

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

DORETHA B. PERKINS,

Plaintiff,

v.

1:22-cv-890

PENNSYLVANIA HIGHER
EDUCATION ASSISTANCE AGENCY
and DR. MIGUEL CARDONA,
SECRETARY OF THE U.S.
DEPARTMENT OF EDUCATION,

Defendants.

DENIAL OF ENTRY OF DEFAULT

This matter comes before the undersigned clerk of court upon Plaintiff's Renewed Motion for Entry of Default, which was filed on January 17, 2023.

Plaintiff seeks entry of default against defendant Dr. Miguel Cardona, Secretary of the U.S. Department Of Education. Plaintiff provided evidence of serving the United States Attorney for the Middle District of North Carolina on January 9, 2023. Pursuant to Federal Rule of Civil Procedure 12(a)(2), the "United States, a United States agency, or a United States officer or employee sued only in an official capacity must serve an answer to a complaint, counterclaim, or crossclaim within 60 days after service on the United States attorney."

Federal Rule of Civil Procedure 55 requires a clerk to enter default when a defendant has "failed to plead or otherwise defend." In this case Rule 55 has not been met as the time for Defendant Dr. Miguel Cardona has not expired. Accordingly, Plaintiff's

Renewed Request for Entry of Default is hereby denied.

This the 18th day of January, 2023.

/s/ John Brubaker

Clerk of Court